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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,194	10/12/2000	Minoru Waki	001350	2228

7590 07/14/2004

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Washington, DC 20006

EXAMINER

SHOSHO, CALLIE E

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/673,194	WAKI, MINORU	
	Examiner	Art Unit	
	Callie E. Shosho	1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/15/04 & 4/26/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/15/04 has been entered.

2. All outstanding rejections are overcome by applicant's amendment filed 3/15/04.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 09104834.

JP 09104834, an English translation of which is included in this office action, discloses water-based pigment dispersion comprising pigment and crosslinked thermoplastic resin containing carboxylic group wherein the pigment is dispersed by water-soluble thermoplastic

resin containing carboxylic group followed by crosslinking the resin with crosslinking agent wherein the ratio of pigment to thermoplastic resin is 0.01:1 to 2:1 (1/100-200/100) and the ratio of crosslinking agent to thermoplastic resin is approximately 0.11:1 to 0.43:1 (10/90 to 30/70). It is further disclosed that the resin has number average molecular weight of 5,000-20,000 and acid number of 30-120 and is a vinyl-type resin obtained from monomers including (meth)acrylic acid and (meth)acrylates. The dispersion comprises, for instance, 20% solids. There is also disclosed water-based ink comprising the above dispersion. There is further disclosed process comprising the steps of predispersing the pigment and thermoplastic resin, treating the mixture by homogenizer to disperse the pigment with the resin to produce a dispersion, adjusting the pH to alkaline range, and crosslinking the resin with the crosslinking agent (claims 1-2, 4, and 5-7 and paragraphs 15-17, 24, 27, 31, 35-36, 72-73, 76, 83-84, 89-90, 94, 109, 111, 124, and 136).

In light of the above, it is clear that JP 09104834 anticipates the present claims.

5. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Kato et al. (U.S. 5,348,997).

Kato et al. disclose aqueous pigment dispersion comprising pigment and crosslinked water-soluble polymer that is obtained from carboxylic acid monomer. It is disclosed that the pigment is dispersed with water-soluble polymer and after the pigment is dispersed, the polymer is crosslinked with crosslinking agent (hydrazine) to form crosslinked polymer. The ratio of pigment to polymer is 100/10 to 100/0.1. Attention is drawn to example 5 (Table 3) that discloses the ratio of crosslinking agent to polymer is, for instance, 0.2:1 while the ratio of

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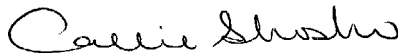
pigment to polymer is 2:1 (col.1, lines 7-8 and 41-68, col.2, lines 36-43 and 56, col.12, lines 3-26, and Table 3).

In light of the above, it is clear that Kato et al. anticipates the present claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 571-272-1123. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Callie E. Shosho
Primary Examiner
Art Unit 1714

CS
7/9/04